

WATER PERMIT NO. 8929-3

Name of Applicant: **Olsen Family Farm**

Address: **47315 298th Avenue, Beresford SD 57004**

Phone: **605-350-0951**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **308.567**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Union**

Type of Waste Disposal System:

Location: **Approx. 3 miles southeast of Beresford**

PRIORITY Date Received: **02-18-25**

Application/License Fee: **\$1,350.00**

Corrected Application Received: **02-19-25**

Period of Annual Use: **April 1 – September 1**

Remarks:

Diversion Point: **NW 1/4 SW 1/4 Sec 11-T95N-R50W**

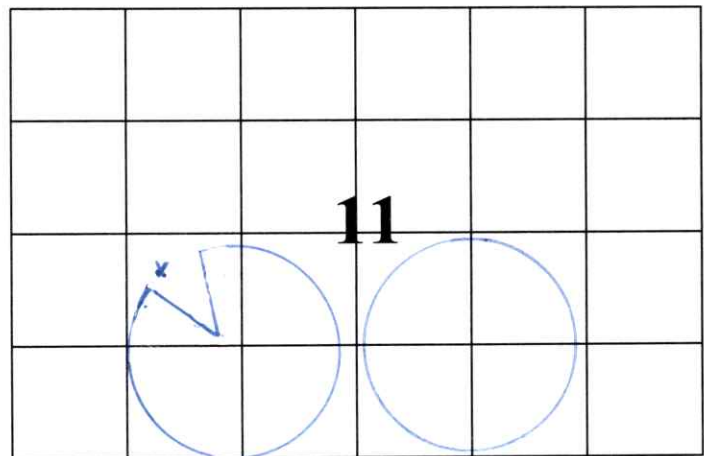
Land to be Irrigated: **S 1/2 Sec 11-T95N-R50W**

Depth of Well: **150**

Well Driller:

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **02-19-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8929-3

Date of first receipt of application February 18, 2025.

Date of return to applicant for corrections, amendments or changes February 19, 2025.

Date of receipt of corrected application February 19, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8929-3 to Olsen Family Farm, 47315 298th Street, Beresford SD 57004, authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8929-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 150 feet deep) located near the center of the SW 1/4 Section 11 for irrigation of 185 acres located in the S 1/2 Section 11; all in T95N-R50W. This site is located approximately three miles southeast of Beresford SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 1.
3. The date from which applicant may claim right is February 18, 2025.
4. The date of approval of Permit No. 8929-3 is May 5, 2025.
5. One-fifth of the construction is to be completed on or before November 5, 2027.
6. All construction is to be completed on or before May 5, 2030.
7. Water is to be put to beneficial use on or before May 5, 2034.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8929-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Permit No. 8929-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Mark Meyer
Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources

5/15/25
date



FEB 19 2025

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8929-3</u> (office use only)	Hydrologic Unit <u>10170203</u>	OFFICE OF WATER
	Basin <u>Big Sioux</u>		
	Newspaper <u>Beresford Republic</u>		
	<u>Sioux Falls Argus Leader</u>		

PAID

FEB 18 2025

Ck# 1286

Rec't# _____

Application For Permit To Appropriate Water For IrrigationType of Application: ☐ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Irrigation Permit Olsen Family Farm(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 47315 298th Street Beresford SD 57004

(Address)

(City)

(State)

(Zip Code)

Home Phone 605-350-0951 Cell 605-350-0951 Email moisen@sonifi.com2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 185

(*Cubic Feet per Second)

(**Gallons per Minute)

(***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well (NW 1/4 SW 1/4)4. Location of point of diversion 1 well in S 1/2 Section 11 - T95N - R50W less R5 and less Tract A

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Union5. County or counties where water will be used Union6. Annual period during which water is to be used April-sept'7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>S 1/2 Section 11 - T95N - R50W less R5 and less T</u>	<u>308.567</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

We will drill one well near Tract A to feed two pivots as shown on the maps. East side pivot is covering 74.42 acres, and the west side pivot is covering 109.21 acres.

I, M. Olsen, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

Supplemental Information

(type or print)

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1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____
- c) Well Depth 150' Depth to Top of Water Bearing Material 70' Depth to Water from Surface 70'
- d) Distance to nearest existing domestic well:

On applicant's property na On property owned by others 1000'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

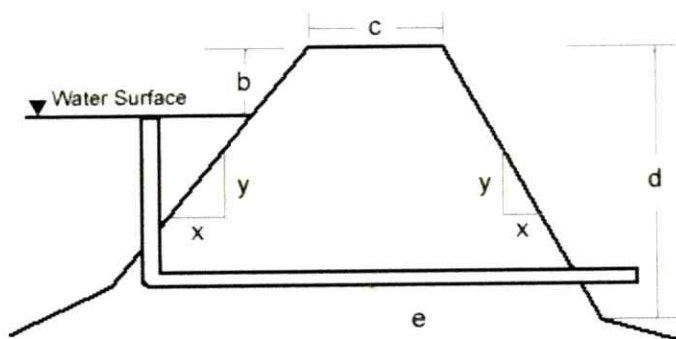
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



5 1/2 Sec 11 - T95N - R50W



↓
N

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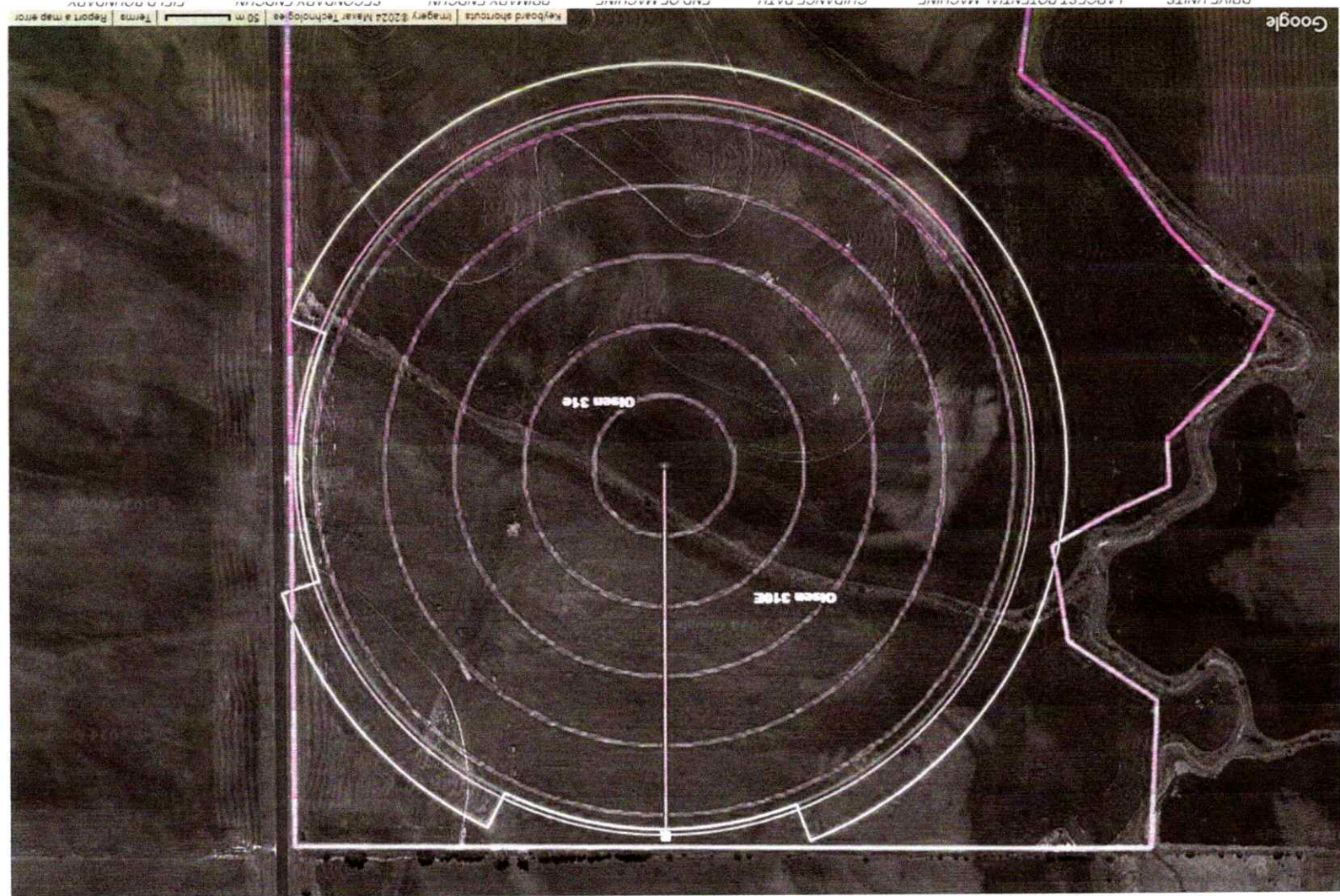
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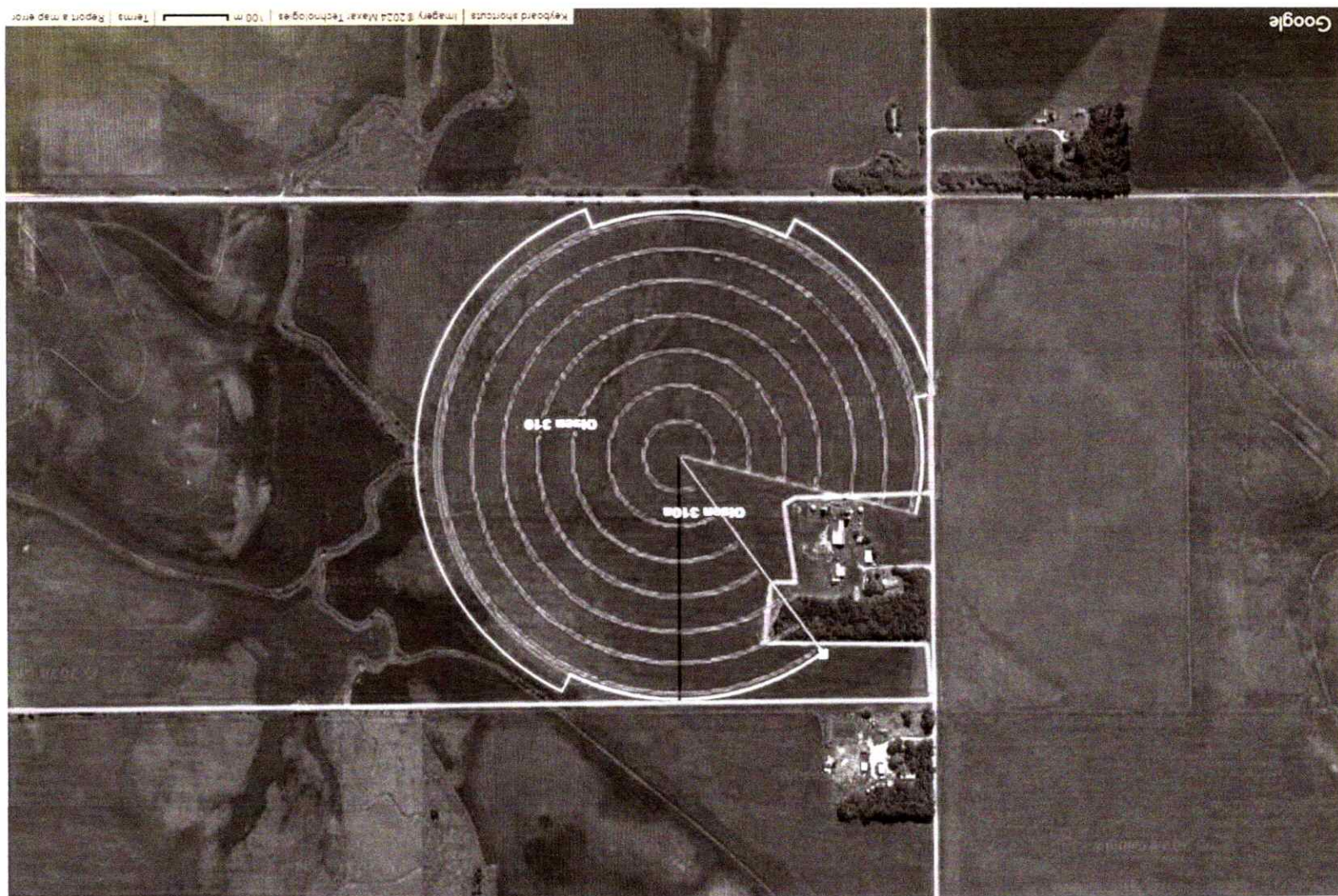


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22





SOUTH DAKOTA WELL AND TEST HOLE

REPORT

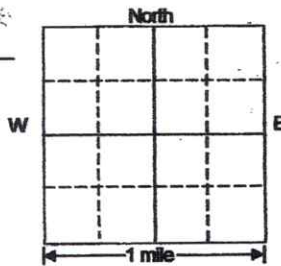
11-02

* See Below

Location $\frac{1}{4}$ Sec. Twp. Rg.

County

Please mark well location with an "X"



Plugging Completion Date

Well Owner:

Name:

David Olson

Address:

46616-298th ST

City, State, Zip:

Beresford S.D 57004

Comments:

CHECK APPROPRIATE BOX

EXISTING WELL ☐TEST HOLE ☒

Well depth

Hole depth

82'

Casing material

Hole size

5.5

Casing size(s)

0-5 Top Soil

60-81 Prime Sand

Casing condition

5-10 yellow clay

81-82 Blue clay

10-60 Coarse Sand gravel

Describe plugging procedure:

Run triaxial line bottom of test hole. Pump DF Grout to top

Describe grout or plugging material:

Type of non-slip plug:

This well or test hole was plugged under license # 439 and this report is true and accurate.

Drilling firm: Dave Putzke well Drilling & repair, Inc

Signature of Licensed Representative:

Dave Putzke

Signature of Well Owner:

Date: 3-3-25

* The South Half (S $\frac{1}{2}$) of Section Eleven (11), Township Ninety-Five (95) North of Range Fifty (50) West of the 5th P.M., Union County, South Dakota, less R-S and less Tract A, an addition in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Eleven (11), Township Ninety-Five (95) North of Range Fifty (50) West of the 5th P.M., Union County, South Dakota,

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This Document Prepared by:
Michael J. McGill
Attorney at Law
P. O. Box 32
Beresford, SD 57004
605-763-2057
mjmc073154@gmail.com

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made and entered into this 17th day of January, 2025, by and between James R. Miller, of 3601 Hillside Road, Mandan, North Dakota 58554, and Lisa A. Docken, of 110 West Cedar Street, Beresford, South Dakota 57004, as Co-Trustees of the J. Quinten Miller and Wanda G. Miller Revocable Trust under agreement dated November 4, 1992 as amended, (the "Seller" whether one or more) and Olsen Family Farm, L.L.C., a South Dakota Limited Liability Company, by and through Bradley Olsen, David Olsen and Michael Olsen, Managing Members, of 47315 298th Street, Beresford, SD 57004, (the "Buyer" whether one or more).

WITNESSETH:

1. Sale. The undersigned Buyer hereby agrees to purchase from the Seller upon the terms and conditions hereinafter set forth, the following described real estate set forth and described as follows:

The South Half (S ½) of Section Eleven (11), Township Ninety-Five (95) North of Range Fifty (50) West of the 5th P.M., Union County, South Dakota, less R-5 and less Tract A, an addition in the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of Section Eleven (11), Township Ninety-Five (95) North of Range Fifty (50) West of the 5th P.M., Union County, South Dakota, all according to the government survey and recorded plat thereof, and subject to easements, conveyances, rights-of-way and restrictions of record, if any.

2. Purchase Price. The purchase price to be paid by Buyer to Seller shall be the sum of \$12,500.00 per deeded acre for a total of 308.567 acres for a total purchase price of 3,857,087.50.

3. Payment of the Purchase Price. The purchase price shall be paid by Buyer to Seller at the following times and in the following manner:

A. An earnest money deposit of 1%, or \$38,570.00, the receipt of which is hereby acknowledged by execution hereof by the Seller; and,

B. The balance in the amount of \$3,818,517.50 shall be due and payable from Buyer to Seller at closing.

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4. Possession. Possession of the above-described property shall be given to Buyer on April 1, 2025.
5. Closing date. The sale shall be closed on or before the day of April 1, 2025 at 9:00 A.M. at the Office of First Dakota Title in Sioux Falls, South Dakota, or at such closing agent as Buyer's lender may elect.
6. Title Insurance. Seller agrees to provide an owner's policy of title insurance insuring the property purchased hereunder in the amount of the purchase price, insuring good and marketable title to be in the Seller, subject, however, to protective covenants of record, easements and right-of-way for utilities, and highways. The parties shall divide equally between them the title insurance costs, owner's policy only and the Buyer shall be responsible to pay the cost of a lender's policy.
7. Trustees' Deed. At the closing, the Seller shall execute and deliver to the Buyer a good and sufficient Trustees' Deed and Certificate of Trust in support of real property transaction conveying marketable title to the premises to the Buyer, free and clear of all liens and encumbrances excepting those items referred to in Section 6 of this Agreement.
8. Real Estate Taxes. The seller agrees to pay the real estate taxes on the premises purchased hereunder for 2024 due and payable in 2025. The Buyer shall be responsible to pay all real estate taxes that accrue from and after January 1, 2025.
9. Conditions Precedent. This agreement is subject to the following conditions precedent, the occurrence of which must take place prior to the Seller or Buyer being obligated to close on this transaction. If the following contingencies are not satisfied prior to closing the Buyer or the Seller shall be entitled to treat this agreement as null and void and without effect except to the portion of the earnest money payment deemed non-refundable pursuant to the provisions of paragraph 3. (A.);
 - A. The standard commitment to issue title insurance shows marketable title in Seller.
 - B. The Buyer can secure financing to complete the purchase in a timely manner which shall be evidenced by a binding and enforceable Letter of Credit from the Buyers' lender provided to the Sellers on or before February 1, 2025.
 - C. The Seller can acquire title to the real property subject to this purchase agreement.
10. Closing Details. The Seller agrees to pay the cost for preparation of the Purchase Agreement prepared by Michael J. McGill. The Seller shall be responsible for paying the costs of preparation of the Trustees' Deed. The parties agree to divide the closing service fees equally between them. The Seller shall be responsible to pay the transfer fee imposed by South Dakota law. The Buyer shall be responsible for paying the costs of recording the deed. The Parties will divide equally between them the title insurance costs with respect to the owner's policy only. Buyer shall be responsible for paying the cost of the lender's title insurance policy.

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11. Assessments. Assessments levied against this property, or which will be levied against it, for improvements completed but not yet entered on the books of the local assessing authority will be paid by Buyer.
12. Forfeiture. In the event of default by Buyer in the performance of this Purchase Agreement, Buyer shall forfeit all or a portion of Buyer's earnest money down payment made by Buyer pursuant to this Agreement as provided for in paragraph 3. (A.), together with Buyer's right, title and interest in the said assets, and any improvements thereto, and the amount forfeited to the Seller shall be retained by Seller in full satisfaction and in liquidation of all damages by them sustained, it being hereby agreed that such damages would be difficult to ascertain and such payments would be a reasonable approximation of the damages the Seller would sustain, if such damages were readily ascertainable
13. Escrow Agent. Both Buyer and Seller agree that First Dakota Title may act as the escrow agent for all monies paid hereon, and all other papers associated with this transaction.
14. Entire Agreement. This Purchase Agreement, any attached exhibits and any addenda or amendments signed by the parties, shall constitute the entire agreement between Seller and Buyer, and supersedes any other written or oral agreements between Seller and Buyer. This Purchase Agreement can be modified only in writing signed by Seller and Buyer.
15. Binding Effect. This agreement is binding upon the parties hereto and their heirs, heirs at law, successors in interest, and personal representatives.
16. Additional Terms and Conditions.
 - A. The parties will utilize counterpart signatures that may be attached to the main body of the agreement and the parties agree that this shall constitute a sufficient writing to satisfy South Dakota law and the statute of frauds that requires a signed written agreement to bind the parties to an agreement for the conveyance of real property.
 - B. In the event that the Buyer is unable to provide the Seller a binding and enforceable Letter of Credit from the Buyer's lender to assure that Buyer can complete the transaction on or before February 1, 2025, this agreement shall be declared null and void and of no effect.
 - C. Seller agrees that Buyer and their agents may enter upon the above-described real property to conduct a survey in connection with the Application for an Irrigation Permit and the installation of an irrigation well, pump, electrical panel and above-ground piping prior to the granting of possession pursuant to the terms of this agreement.

THE REMAINDER OF THIS PAGE IS LEFT BLANK TO ACCOMMODATE
COUNTERPART SIGNATURE PAGES TO BE ATTACHED TO THE MAIN BODY OF THIS
DOCUMENT.

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SIGNATURE PAGE OF JAMES R. MILLER, CO-TRUSTEE

Date JANUARY 17, 2025

SELLER:

The J. Quinten Miller and Wanda G. Miller Revocable Trust
Agreement dated November 4, 1992 as amended

James R. Miller, Co-Trustee
James R. Miller, Co-Trustee

FEB 19 2025

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SIGNATURE PAGE OF LISA A. DOCKEN

Date: January 23, 2025

SELLER:

The J. Quinten Miller and Wanda G. Miller Revocable Trust
Agreement dated November 4, 1992 as amended

Lisa A. Docken
Lisa A. Docken, Co-Trustee

*Real Estate Purchase Agreement
J. Quinten Miller and Wanda Miller Trust to
Olsen Family Farm, LLC*

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SIGNATURE PAGE OF BRADLEY OLSEN

DATE: 1/30/2025

BUYER:

Olsen Family Farm, L.L.C.

Bradley Olsen Managing member
By: Bradley Olsen, Managing Member

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SIGNATURE PAGE OF DAVID OLSEN

DATE:

1/30/25

BUYER:

Olsen Family Farm, L.L.C.

A handwritten signature in black ink, appearing to read 'David Olsen', written over a horizontal line.

By: David Olsen, Managing Member

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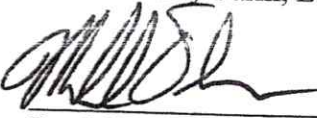
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SIGNATURE PAGE OF MICHAEL OLSEN

DATE: 1-30-25

BUYER:

Olsen Family Farm, L.L.C.

 Managing Member
By: Michael Olsen, Managing Member

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 19th 2025

RECEIVED OF Olsen Family Farm C/O Michael Olsen 47315 298th Street Beresford SD 57004

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>8929-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1150.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8929-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>1350.00</u>

By Eric Gronlund
Chief Engineer

372 2294 01/26/2010
0PC S309 ©

State of South Dakota



OFFICE OF THE SECRETARY OF STATE

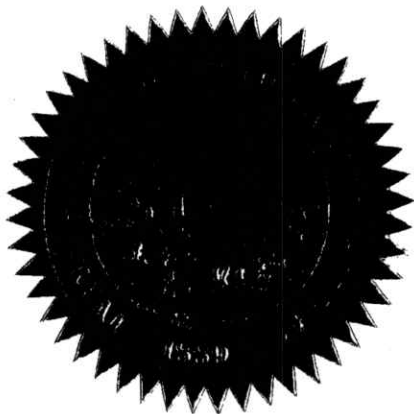
Certificate of Organization Limited Liability Company

ORGANIZATIONAL ID #: DL020664

I, Chris Nelson, Secretary of State of the State of South Dakota, hereby certify that the Articles of Organization of **OLSEN FAMILY FARM, L.L.C.** duly signed and verified, pursuant to the provisions of the South Dakota Limited Liability Company Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the Articles of Organization.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this January 25, 2010.



Chris Nelson

Chris Nelson
Secretary of State

Cert of Organization LLC Merge

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JAN 25 2010

S.D. SEC. OF STATE

ARTICLES OF ORGANIZATION
OF
OLSEN FAMILY FARM, L.L.C.

Comes now the undersigned and states the following Articles of Organization of
Olsen Family Farm, L.L.C., a South Dakota Limited Liability Company:

ARTICLE I

The name of the company is Olsen Family Farm, L.L.C., a South Dakota Limited Liability Company.

ARTICLE II

The address of initial designated office is 47315 298th Street, Beresford, South Dakota 57004.

ARTICLE III

The name and street address of the initial agent for service of process is:

Bradley Olsen
47315-298th Street
Beresford, South Dakota 57004

ARTICLE IV

The name and address of each organizer is as follows:

1. Bradley Olsen
47315-298th Street
Beresford, South Dakota 57004
2. David Olsen
47319- 298th Street
Beresford, South Dakota 57004
3. Michael Olsen
29722- 473rd Ave
Beresford, South Dakota 57004

ARTICLE V

The duration of the company is perpetual.

20664

ARTICLE VI

The company is to be member-managed and the names and addresses of the initial manager are:

1. Bradley Olsen
47315-298th Street
Beresford, South Dakota 57004
2. David Olsen
47319- 298th Street
Beresford, South Dakota 57004
3. Michael Olsen
29722- 473rd Ave
Beresford, South Dakota 57004

ARTICLE VII

No member of the company has agreed to be liable for its debts and obligations under South Dakota Codified Law 47-34A-303 (c).

ARTICLE VIII

The purpose for the organization of the L.L.C. is to own, manage, control, acquire, and operate a grain and livestock farming operation, as well as to conduct such other business as is permitted and allowed to be conducted under South Dakota law pursuant to the Uniform Limited Liability Company Act, South Dakota Codified Law Chapter 47-34A.

Dated this 14th day of January, 2010.


Bradley Olsen - Organizer


David Olsen - Organizer


Michael Olsen - Organizer

CONSENT OF REGISTERED AGENT

I hereby consent to act as registered agent for, Olsen Family Farm, L.L.C. a South Dakota Limited Liability Company.

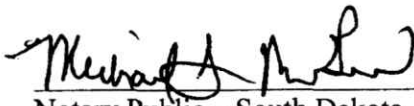
Dated this 14th day of January, 2010.


Bradley Olsen

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF UNION)

On this the 14th day of January, ~~2009~~ ²⁰¹⁰ before me, Michael J. McGill, the undersigned officer, personally appeared David Olsen, Bradley Olsen, and Michael Olsen known to me or satisfactorily proven to be the persons whose names are subscribed to the within Articles of Organization for Olsen Family Farm L. L. C. and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.


Notary Public - South Dakota
My Commission Expires: 10-20-2010

Rodriguez, Rachel

From: Olsen, Michael <MOlsen@sonifi.com>
Sent: Friday, February 28, 2025 8:00 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] Water Permit Application
Attachments: map with new location.pdf

Rachel,

Just checking any other things that you need to proceed. The well driller did a test hole and found good water at 80 feet, but we did move the location on the map to the same location as the center pivot on the west map or I marked it on the map you sent. (see Attachment)

Thanks

Michael

From: Olsen, Michael
Sent: Wednesday, February 19, 2025 12:36 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: Water Permit Application

I confirm April 1 to Sept 1

The location with the small x next to the acreage on the map the proposed location provided water is found.

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, February 19, 2025 12:26 PM
To: Olsen, Michael <MOlsen@sonifi.com>
Subject: Water Permit Application

Good afternoon,

I am in receipt of your water permit application for irrigation. There are two issues that need clarification:

- The application has period of use as April through September. May I confirm the timeframe as April 1 through September 30?
- One of the maps has an "X" in the NW 1/4 SW 1/4 Section 11-T95N-R50W. Please confirm that is the proposed location of the well. If it is not, please use the attached map and mark the location with an "X".

Once I receive the items above, I can begin processing your application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us

Rodriguez, Rachel

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Sent: Wednesday, February 19, 2025 12:36 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] Water Permit Application

I confirm April 1 to Sept 1

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Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



CAUTION: This email originated from outside the SONIFI organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rodriguez, Rachel

From: Gronlund, Eric
Sent: Tuesday, January 7, 2025 3:48 PM
To: molsen@sonifi.com
Cc: Dewell, Amanda; Rodriguez, Rachel
Subject: RE: [EXT] Questions on water permits for two wells in Union county

Michael:

See below in blue. Hopefully this helps. Let us know if you have further questions. I'm happy to have a phone discussion if that would be beneficial.

Included Amanda and Rachel on this email so when the application(s) come in they know what was discussed as they'll be the first to see the application when it arrives.

From: Olsen, Michael <MOlsen@sonifi.com>
Sent: Tuesday, January 7, 2025 12:50 PM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: [EXT] Questions on water permits for two wells in Union county

Eric,

I am working on permits for 2 wells on 2 different pieces of ground in Union County SD. Have 2 different sets of questions:

1st well is on family-owned ground N1/2 of NW ¼ Sec 2 – 95-50

1. The well isn't drilled yet. Do we mark the map where we are hoping to establish it? **Yes – mark the well where you plan so have it drilled. The location in the required notice to be public will be to the quarter-quarter section (40 acre parcel) so there is some flexibility there.**
2. Do we outline the whole ground or where the irrigation pivots would be covering? **Outline the area where water will be applied. On the application form the number of acres should be the actual acres irrigated. But don't cut yourself short acres otherwise you will have to go through the process again for the acres above what is permitted.**
3. The fee is it based on the size of the whole piece of ground, or the amount covered by the pivot? **Again – fee is based on the area that water will be applied. (\$500 for first 60 acres, \$250 for second 60 acres or portion thereof, \$100 for each 60 acres additional or portion thereof AND a \$200 licensing fee) Example for 80 acres - \$500 for first 60 acres, \$250 for next 20 acres and \$200 licensing free for a total of \$950)**
4. We farm the ground next to this piece and we want to have the pivot on our ground but swing into the ground next to it. Do I need to mark it differently or just call it out on the description? **Include an explanation of the land that will be irrigated but is not owned by you. Also have a letter from the owner agreeing to it being irrigated on the water permit you are applying for.**
5. Form 2A - How do we fill out the form for the completed well, when we haven't drilled in yet? Do we hire the driller first? **At a minimum you need to provide an estimated depth on Form 2A so the water source (aquifer) can be determined. Water Rights does not require a test hole log be submitted with the application but reserves the right to request a test hole be completed if necessary for the water source to be identified in order to process the application.**

Once a recommendation is made the application will need to be public noticed. Water Rights will draft the public notice to insure it meets the statutory requirements. At that point you will be contacted to review the recommendation and notice and if in agreement authorize publication of the notice in the newspaper(s). We will walk you through that process when we get to that stage. The cost of publication of the notice will be the applicant's responsibility.

2nd well is on ground that we are filling out the purchase agreements now. S1/2 of Sec 11 – 95—50 less R-5 and less acreage

1. Same question 2 as above, but there will be 2 pivots on this ground. [Outline the are to be irrigated.](#)
2. Same question 3 as above, but there will be 2 pivots on this ground. [Fee based on the area to be irrigated. Assuming two standard center pivots \(without cornering system\) covering a total of 264 acres would be \\$1,250.](#)
3. Same as question 5 – [Need to provide the expected well depth.](#)
4. Do we sign for the ground as a lessor for now, have the current trust sign for it, or do we sign as the new purchaser? Hoping to close by March. [You saved the toughest question for last. Irrigation water rights are appurtenant to the land. Normally the landowner should be the applicant. However, you are in the process of purchasing – just disclose that on a cover letter accompanying the application. You should probably let the current landowner know you are applying so it doesn't come as a surprise to them and become a point of contention.](#)

I can jump on a call online meeting or continue with the email conversation. Thanks

My personal cell 605-350-0951 and email shonatsha957@yahoo.com. You can contact me through this email address as it is my work email.

Michael Olsen | Director Information Security & Compliance

SONIFI Solutions 3900 W. Innovation St | Sioux Falls, SD 57107-7002

Office: 605-988-1697 | Fax: 1-605-988-1010 | Molsen@sonifi.com | www.sonifi.com

Applicant identified 308.567 ac
based on the property
deed however pivots were
estimated to irrigate
 $74.42 + 109.21$ ac (183.63)

When I spoke w/ the applicant
on cutting application back
from the original 308.567 ac
it was agreed the number
of acres would be adjusted
to 185, allowing for minor
project changes.

(AD)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8929-3, Olsen Family Farm**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8929-3, Olsen Family Farm, 47315 298th Street, Beresford SD 57004.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8929-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8929-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Permit No. 8929-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
April 03, 2025

Report to the Chief Engineer
Water Permit Application No. 8929-3
Olsen Family Farm
3/19/2025

Water Permit Application No. 8929-3 proposes to appropriate water at a maximum instantaneous diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Brule Creek aquifer (approximately 150 feet deep) for the irrigation of 185 acres located in the S $\frac{1}{2}$ of Section 11- T95N-R50W. The well is to be located near the center of the SW $\frac{1}{4}$ of Section 11- T95N-R50W. The site is located in Union County, approximately three miles southeast of Beresford, South Dakota.

Water Source: Brule Creek aquifer (BRC)

Description of aquifer

The Brule Creek aquifer contains glacial and non-glacial sands and gravels, and underlies 78,400 acres of southern Lincoln County, northern Union County, and a portion of northeast Clay County (Hedges et al., 1982). Niehus (1994) estimated the Brule Creek aquifer underlies 180 square miles (115,200 acres) of Union and Lincoln Counties. The aquifer is likely hydrologically connected to the Newton Hills aquifer in the north and possibly the Big Sioux and the Lower Vermillion Missouri aquifers in the south, as well as East and West Brule Creeks when the aquifer is near land surface. Water movement is generally south except in the northern most portion where water moves to the northeast. At the proposed site, groundwater will locally flow east to West Brule Creek, which is less than $\frac{1}{2}$ mile from the diversion point (Niehus, 1994; Mathiowetz, 2022).

Near Beresford, SD, geologic section C-C' in the Niehus (1994) study includes lithologic log reports by SDGS (South Dakota Geological Survey) where the Brule Creek aquifer is confirmed. Depth to aquifer materials from the ground surface range from 13 to 130 feet depending on the thickness of overlying till and outwash material, and the elevation (NGVD 29) of the aquifer materials range from approximately 1,310 to 1,365 feet.

Nearby well completion and test hole reports within approximately $\frac{1}{2}$ of a mile from the proposed site indicate similar depths and elevations of aquifer materials compared with the Niehus (1994) study. For well completion reports within $\frac{1}{2}$ mile of the proposed site, the elevation (NGVD 29) of aquifer materials ranges from 1,283 to 1,374 feet, depth to aquifer materials range from 1 to 22 feet below ground surface, and saturated thicknesses range from 26 to 68 feet. Notably, the DANR Observation Well UN-80B is located less than $\frac{1}{2}$ mile southeast and is unconfined, with static water levels historically ranging between 5 and 10 feet below ground surface, and depth to the top of aquifer materials one foot below ground surface (Water Rights, 2025b, 2025c and 2025d; SDGS, 2025).

There was a test hole report provided for the original proposed well, which was to be near the house located approximately 0.2 miles northwest from the updated diversion. The elevation of aquifer materials in the test hole report were from 1,310 to 1,360 feet, and depth to aquifer materials was 10 feet below ground surface. No test hole log or well completion report for the updated diversion

point was submitted with the application. Based on nearby well completion and test hole reports, SDGS lithologic logs, and the close proximity of the diversion point to West Brule Creek, the Brule Creek aquifer is likely to be unconfined at the proposed site.

South Dakota Codified Law (SDCL) 46-2A-9

“A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.”

This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Brule Creek aquifer.

SDCL 46-6-3.1

“No application to appropriate groundwater may be approved if, according to the best possible information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the Greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.”

Water Permit Application No. 8929-3 does not involve a water distribution system as defined by SDCL 46-1-6(17) and the Brule Creek aquifer is not older or stratigraphically lower than the Greenhorn formation (Fahrenbach et al., 2010). Therefore, to approve an application to appropriate water, there needs to be evidence showing a reasonable probability that unappropriated water is available. This report will address whether average annual recharge exceeds discharge with available data and observation well analysis.

Water Availability: Recharge

Recharge to the aquifer is by infiltration and subsequent percolation of precipitation in areas where the aquifer is near land surface (Niehus, 1994). Buhler (2009) calculated an average annual recharge rate by using observation well data from the six wells completed into unconfined portions of the aquifer. The average annual water level rise was multiplied by the specific yield to calculate the average annual recharge in inches, and is approximately 4.5 inches per year. This recharge rate is only applied to unconfined portions of the aquifer, which Buhler (2009) estimated to be at least one quarter of the whole aquifer. Applying the rate of 4.5 inches to one quarter of the estimated aquifer area (78,400 total acres from Hedges et al. [1982] and 115,200 total acres from Niehus [1994]) gives a conservative estimated recharge range of 7,350 acre-feet (ac-ft) per year to 10,800 ac-ft per year.

Water Availability: Discharge

Discharge from the Brule Creek aquifer occurs through evapotranspiration where the aquifer is near land surface, groundwater outflow to the Newton Hills and Big Sioux aquifers, outflow to East or West Brule Creeks when the river water level is lower relative to the head of the aquifer, and through well withdrawals (Niehus, 1994; Water Rights, 2025d). There are currently 24 water rights/permits appropriating water from the Brule Creek aquifer.

Of the 24 water rights/permits, 20 are for irrigation use. Irrigation water rights/permits have been typically required to report annual usage on an irrigation questionnaire since 1979. The annual reported pumpage for irrigation water rights/permits are listed on **Table 1**. The average reported withdrawals for active permits during the years 1979 to 2023 is approximately 661 acre-feet. The average reported pumpage for active permits for the years 2014 to 2023 is approximately 959 acre-feet (Water Rights, 2025a). To reflect the current development of irrigation water rights/permits, the average reported withdrawals for irrigation appropriations from 2014 to 2023 will be used for the budget.

Table 1. Annual reported irrigation use from the Brule Creek aquifers for the years 1979 to 2023 (Water Rights, 2025a).

Year	No. Permits	Pumpage Reported
1979	11	139.31
1980	11	68.29
1981	13	32.19
1982	7	221.4
1983	7	15.35
1984	7	412
1985	7	300
1986	7	253
1987	7	279
1988	7	939
1989	7	1029
1990	8	859
1991	9	993
1992	9	6
1993	10	11
1994	10	1192.57
1995	10	1041.22
1996	9	446.51
1997	10	651
1998	10	987.91
1999	10	790.66
2000	10	702.65
2001	10	521.45
2002	9	504.96
2003	8	469.76
2004	8	667.95
2005	7	637.91
2006	7	733.58
2007	7	702.51
2008	11	755.39
2009	11	332.99
2010	12	91.7
2011	12	670.82
2012	12	1526.63
2013	13	1158.76
2014	18	616.24
2015	18	786.38
2016	18	1122.7
2017	18	816.66
2018	18	160.09
2019	18	121.19
2020	18	1544.32
2021	19	1209.01
2022	20	2011.21
2023	20	1204.43
AVG 1979-2023		660.8
AVG 2014-2023		959.2

Of the 24 water rights/permits, four are for non-irrigation use; none of which are required to report their annual use to the Chief Engineer. Non-irrigation appropriations limited only by an instantaneous diversion rate have historically been assumed to pump 60% of the time throughout the year at their permitted diversion rate. This is the standard methodology used by the Water Rights Program. This methodology is likely an overestimation for those water rights/permits and has been previously accepted by the Water Management Board. Water Right Nos. 672-3 and 758-3 are held by the City of Alcester; however, the city purchases 100% of their drinking water from South Lincoln Rural Water System (RWS). Water Right No. 4909-3 held by the City of Beresford purchases 100% of their drinking water from Lewis and Clark RWS (Drinking Water Program, 2025). The cities maintain their wells, but it is not known how much water is pumped annually for municipal uses other than drinking water. Therefore, Water Right Nos. 672-3, 758-3, and 4909-3 are assumed to pump 60% of the time at their licensed diversion rate, even though this an overestimation. Water Right No. 6558-3 is for commercial use and is licensed for 0.044 cfs. Together, the four non-irrigation water rights are estimated to pump less than 1,118 ac-ft per year.

There is a pending Application No. 8927-3 requesting to irrigate 80 acres. Generally, non-turf irrigators in South Dakota apply less than one foot of water per acre per year. If approved, Application No. 8927-3 will be overestimated to apply one foot of water per acre per year which is an annual use of 80 acre-feet. This application, if approved, will be overestimated to use 185 acre-feet per year.

There are domestic wells completed into the BRC aquifer that do not require a water right, and so the withdrawal amount from those wells is unknown (Water Rights, 2025d). Due to their low diversion rates, withdrawals from domestic wells are estimated to be negligible to the hydrologic budget. Furthermore, there are a number of RWS that serve the area where these domestic wells are located and some wells may no longer be in use. Water Availability: Observation Well Analysis

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DANR Water Rights Program monitors 10 observation wells completed into the Brule Creek aquifer. The nearest observation wells to the proposed diversion point are UN-80B (located approximately 0.4 miles southeast) and UN-77A (located approximately 1.8 miles south-southwest), both completed into unconfined portions of the aquifer. Hydrographs for these wells are in **Figures 1 and 2**. Static water level elevations are referenced to the top of casing at each well. These observation well hydrographs illustrate climatic conditions, seasonal precipitation patterns, and pumping from the BRC aquifer at those locations (Water Rights, 2025b).

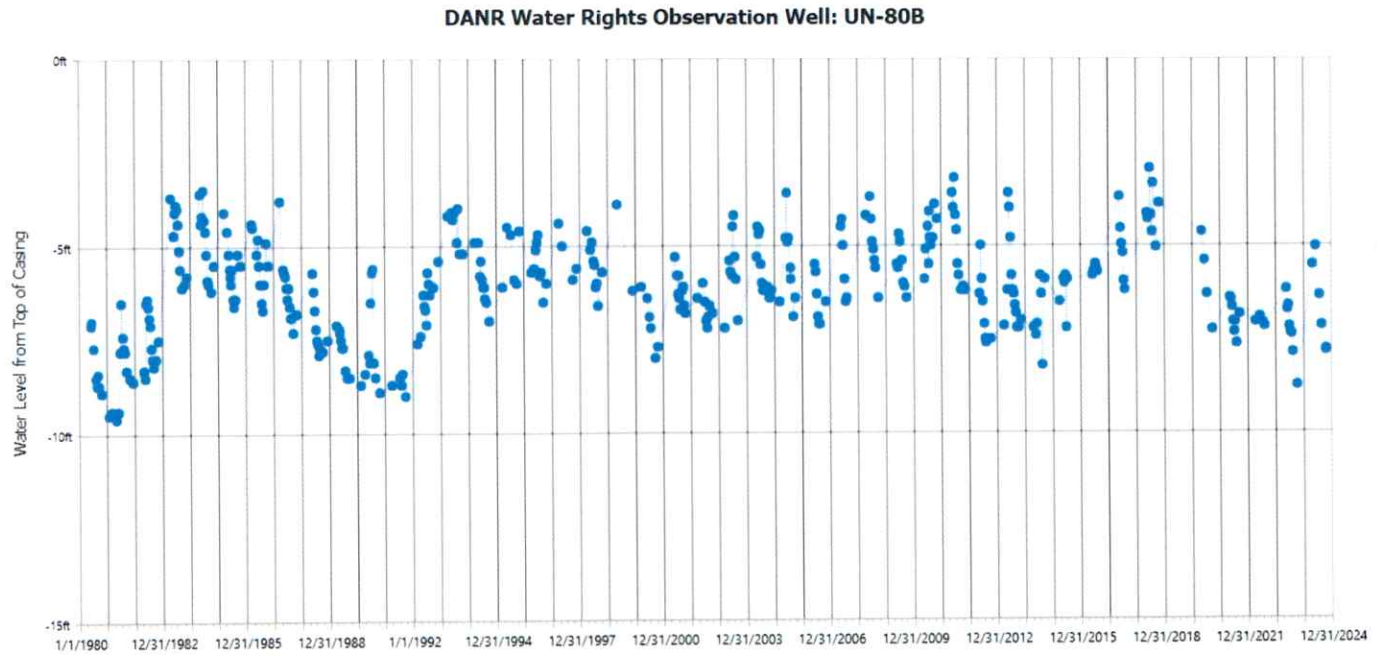


Figure 1. Hydrograph of observation well UN-80B

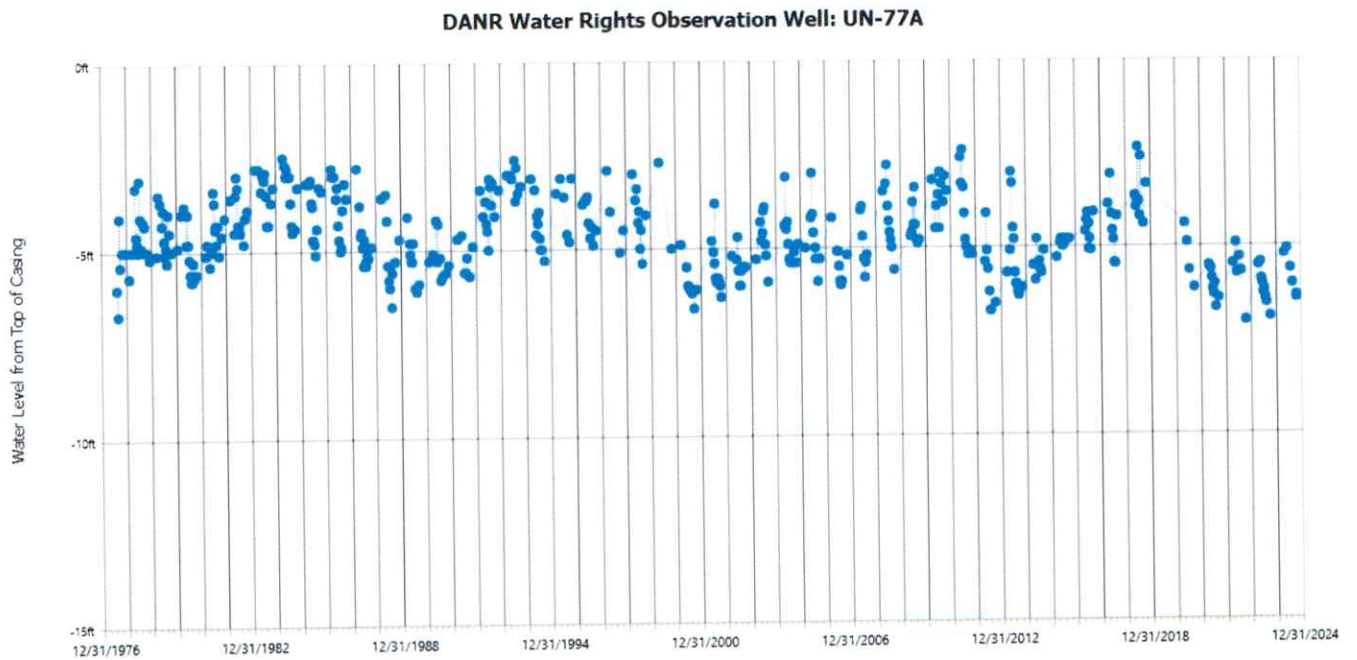


Figure 2. Hydrograph of observation well UN-77A

The hydrographs in **Figures 1 and 2** are reflective of climatic variations on a decadal level and also on a seasonal level. There are large fluctuations of water level from multi-year droughts and wet periods. For example, the late 1980s, the mid-2000s, 2012, and the past few years show drops in water levels. Subsequently, irrigation increases during these dry years. Seasonally, water levels return to pre-pumped levels in the spring and generally have had less than five feet of fluctuation in response to climate and withdrawals. This indicates that natural recharge and natural discharge govern the long-term fluctuations in water levels rather than the impacts of pumping. Hydrographs for the other observation wells in the BRC aquifer show similar decadal and seasonal trends with no indication of over-pumping in those areas (Water Rights, 2025b).

Water Availability: Summary

The recharge to unconfined portions of the Brule Creek aquifer is estimated to range from 7,350 ac-ft per year to 10,800 ac-ft per year. The annual withdrawals are estimated to be less than 2,077 ac-ft (Non-Irrigation: Less than 1,118 ac-ft; Irrigation: 959 ac-ft). Application No. 8927-3 and this application, if approved, are estimated to annually withdraw 80 ac-ft and 185 ac-ft, respectively. Existing annual withdrawals and withdrawals by pending applications from the BRC aquifer are well within the estimated recharge rate for unconfined portions of the aquifer. This is also evident in the observation well data. There is a reasonable probability that unappropriated water is available for the proposed appropriation.

Potential for Unlawful Impairment

The nearest water right/permit to the proposed diversion point is No. 7997-3 held by Danish Farmland Holdings LLC, for a well located approximately ½ mile west. The nearest domestic well is located ½ mile north. There could be other domestic wells completed into the BRC aquifer near the proposed diversion that are not on file with the Water Rights Program. The location of domestic wells in the well completion report database are based on the location listed by the driller at the time of well completion. The Brule Creek aquifer is likely to be under unconfined conditions at the proposed well site and therefore, drawdown from pumping should be minimal beyond a few hundred feet from a well. Saturated thickness for the nearby domestic well at the time of drilling was 26 feet, and saturated thickness for the nearby irrigation well at the time of drilling was 68 feet (Water Rights, 2025c and 2025d). **Figure 3** below shows a map of nearby water rights and observation wells to the proposed diversion point for this application.

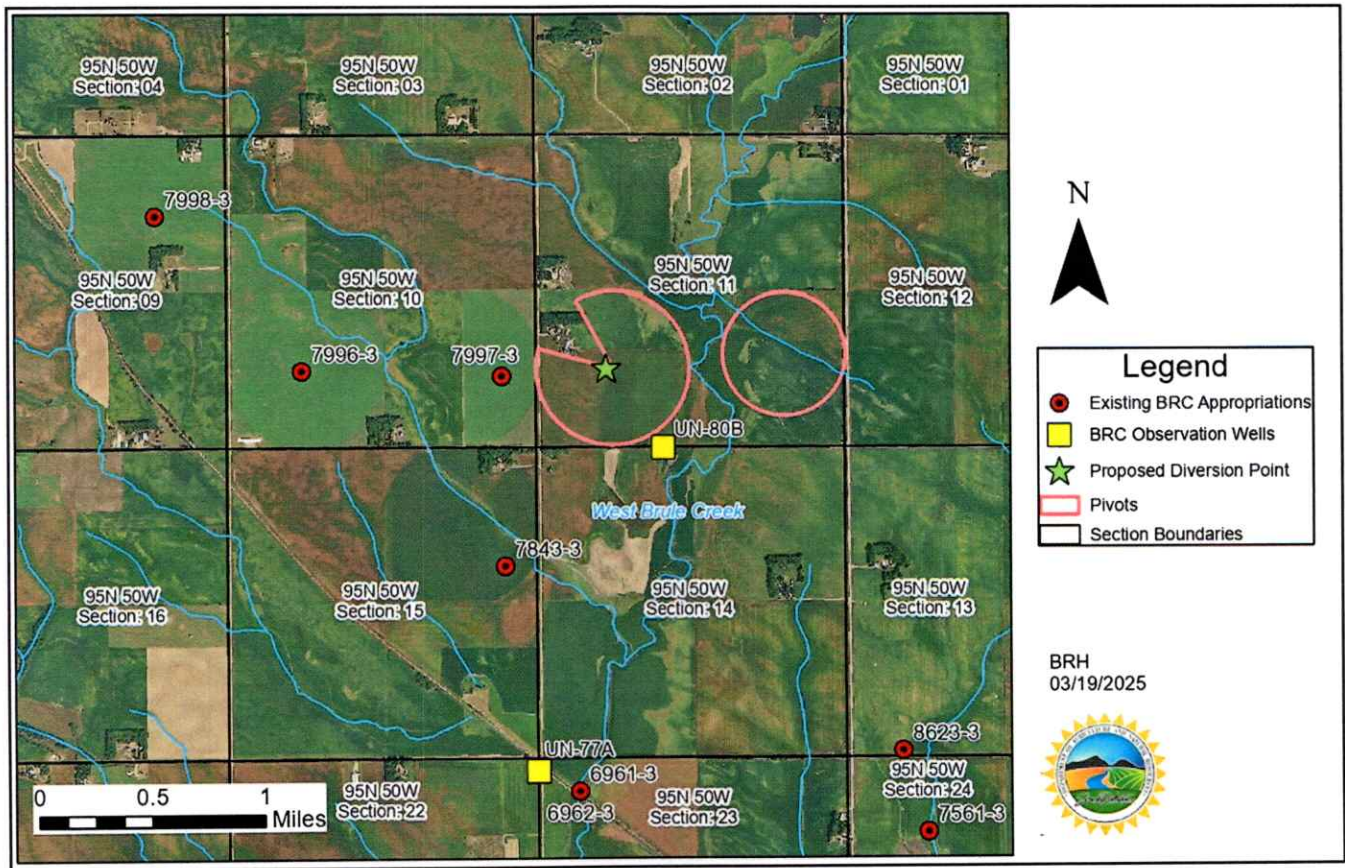


Figure 3. Map of nearby water rights, SD DANR observation wells, and the proposed diversion point for this application (Water Rights, 2025b and 2025c).

Domestic wells in South Dakota have a priority over other use types pursuant to SDCL 46-1-5(1) and senior appropriative users have priority over junior appropriative users. However, both domestic and appropriative wells are subject to compliance with minimum requirements for adequate wells, defined in Administrative Rules of South Dakota (ARSD) 74:02:04:20(6) as:

“A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

There has been one unsubstantiated complaint for well interference in near the intersection of Sections 1, 2, 11, & 12-T94N-R50W (approximately 5.4 miles south of this proposed well site). The complaint was filed in 1989 which was also a dry year (Water Rights, 2025e). Giving preference to domestic use over appropriative rights occurs without regard to whether impairment is caused by either pumping, or drought, or both. Observation well UN-80B is located less than ½ mile from this proposed well, and therefore any possible lowering of the water table from this project can be monitored. Observation well UN-77A is close to nearby irrigation wells (Water Right Nos. 6961-3 and 6962-3) (**Figure 3**) and its hydrograph (**Figure 2**) shows no indication of over pumping from the Brule Creek aquifer.

Assuming that the nearby irrigation well and domestic well meet the adequate well standards, they are protected from unlawful impairment. The Water Management Board has consistently recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur.

Regardless, any drawdown as a result of the proposed diversion point is not expected to unlawfully impair nearby adequate wells due to the saturated thickness and unconfined conditions of the aquifer in this area, no substantiated well interference complaints, and the proximity of observation wells UN-80B and UN-77A to nearby irrigation wells without issue shown in the water levels of the observation wells.

Conclusions

1. Water Permit Application No. 8929-3 proposes to appropriate 1.78 cfs from one well to be completed into the Brule Creek aquifer for the irrigation of 185 acres located in the S $\frac{1}{2}$ of Section 11- T95N-R50W during the season of April 1 to September 1. The well is to be located near the center of the SW $\frac{1}{4}$ of Section 11- T95N-R50W. The site is located in Union County, approximately three miles southeast of Beresford, SD
2. Based on a hydrologic budget analysis and observation well data, there is a reasonable probability that unappropriated water is available from the Brule Creek aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8929-3, if approved, will not unlawfully impair existing water rights/permits with adequate wells and adequate domestic wells.



Brittan R. Hullinger
Natural Resources Engineer I
Water Rights Program, SD DANR

Reviewed By:



Adam Mathiowetz, P.E.
Natural Resources Engineer IV
SD DANR, Water Rights Program

References

- Buhler, K.A. 2009. Report on Water Permit Application No. 7166-3, Steve Andrews. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Drinking Water Program. 2025. SD DANR Drinking Water Program Online Database. <<https://danr.sd.gov/OfficeOfWater/Drinkingwater/default.aspx>> Accessed March 18, 2025.
- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR Geological Survey. Vermillion, SD.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.D., and Schoon, R.A. 1982. Evaluation of Groundwater Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 1: Bedrock Topography and Distribution. Task 2: Extent of Aquifers. Task 3: Ground-Water Storage. Task 4: Computerized Data Base. Office of Geological Survey. Vermillion, South Dakota.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Groundwater Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Groundwater Recharge. Office of Geological Survey. Vermillion, South Dakota.
- Mathiowetz, A.W. 2022. Report on Water Permit Application No. 8623-3, Arden Van Beek. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. U.S. Geological Survey. Water Resources Investigations Report 93-4195. Rapid City, South Dakota.
- SDGS. 2025. South Dakota Geological Survey Lithologic Logs Database. SD DANR Geological Survey Program. Accessed March 17, 2025. <<https://usd.maps.arcgis.com/apps/webappviewer/index.html?id=e54c5063b19c49629560a86a7be2eb3d>>
- Water Rights. 2025a. "1979-2023 Irrigation Summaries by Aquifer." SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2025b. Observation Well Data. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2025c. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2025d. Well Completion Reports. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2025e. County Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

April 17, 2025

Olsen Family Farm
c/o Michael Olsen
47315 298th Street
Beresford SD 57004

Dear Mr. Olsen:

Water Permit Application No. 8929-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Beresford Republic printed at Beresford (Ph # 605 763-2006) and the Argus Leader printed at Sioux Falls SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 8929-3 to Appropriate Water

Notice is given that Olsen Family Farm, 47315 298th Street, Beresford SD 57004, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 150 feet deep) located near the center of the SW 1/4 Section 11 for irrigation of 185 acres located in the S 1/2 Section 11; all in T95N-R50W. This site is located approximately three miles southeast of Beresford SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8929-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 5, 2025.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 5, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of _

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, April 16, 2025 3:37 PM
To: republic@bmtc.net
Subject: 8929-3 Olsen Family Farm - Public Notice
Attachments: 8929-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 24, 2025.

Olsen Family Farm, c/o Michael Olsen, 47315 298th Street, Beresford SD 57004, 605-350-0951 has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, April 16, 2025 3:38 PM
To: legals@argusleader.com
Subject: 8929-3 Olsen Family Farm - Public Notice
Attachments: 8929-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 24, 2025.

Olsen Family Farm, c/o Michael Olsen, 47315 298th Street, Beresford SD 57004, 605-350-0951, molsen@sonifi.com has been notified to contact you to authorize publication and arrange for payment.

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Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, April 17, 2025 10:53 AM
To: Rodriguez, Rachel
Cc: molsen@sonifi.com
Subject: RE: [EXT] 11239143 8929-3 Olsen Family Farm - Public Notice
Attachments: 11239143.pdf

Please Read Through ENTIRE Confirmation Before Approving.

Please see attached the order confirmation and proof for your requested ad. Your ad is set to run in Argus Leader, on April 24, costing \$55.53. **FINAL DEADLINE FOR ANY CHANGES OR TO CANCEL IS BEFORE 9am Tuesday April 22.** Your notice is scheduled to run per your request and will publish.

You will be invoiced for payment.

All orders are subject to a 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay with ACH. Pay by ACH and Save!

Final Order cost provided at time of payment and via a receipt.

Thanks,

Sirona Marshall
Public Notice Representative



Office: 844-254-5287
Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, April 16, 2025 3:38 PM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 11239143 8929-3 Olsen Family Farm - Public Notice

Attached is a notice to be published on April 24, 2025.

Olsen Family Farm, c/o Michael Olsen, 47315 298th Street, Beresford SD 57004, 605-350-0951, molsen@sonifi.com has been notified to contact you to authorize publication and arrange for payment.

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Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant

Order Confirmation

Not an Invoice

Account Number:	1526865
Customer Name:	Olsen Family Farm
Customer Address:	Olsen Family Farm 47315 298Th ST Beresford SD 57004-6729
Contact Name:	Michael Olsen
Contact Phone:	
Contact Email:	molsen@sonifi.com
PO Number:	NO. 8929-3

Date:	04/17/2025
Order Number:	11239143
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	157.0000
Height in Inches:	17.2100

Print

Product	#Insertions	Start - End	Category
SFA Sioux Falls Argus Leader	1	04/24/2025 - 04/24/2025	Public Notices
SFA argusleader.com	1	04/24/2025 - 04/24/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$55.53
Tax Amount	\$0.00
Service Fee 3.99%	\$2.22
Cash/Check/ACH Discount	-\$2.22
Payment Amount by Cash/Check/ACH	\$55.53
Payment Amount by Credit Card	\$57.75

Order Confirmation Amount

\$55.53

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF Lincoln

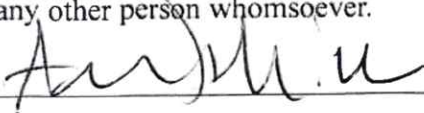
I, Amber Miller of New Century Press, publisher of The Republic, which is a weekly newspaper of general circulation, Printed and published in the City of Beresford, in said County of Lincoln., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

B0424-7 Notice of Application

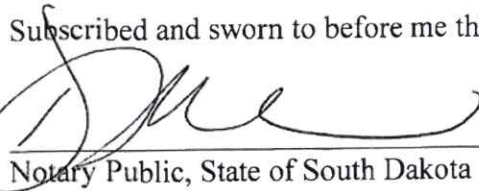
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 24th day of April, 2025

That \$37.82 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.



Subscribed and sworn to before me this 30th day of April, 2025



Notary Public, State of South Dakota
My Commission Expires August 11, 2029



Publication Fee...\$37.82
Notary Fee...\$
Total ...\$37.82

NOTICE OF APPLICATION**NO.8929-3 to Appropriate Water**

Notice is given that Olsen Family Farm, 47315 298th Street, Beresford SD 57004, has filed an application for a water permit to appropriate

1.78 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 150 feet deep) located near the center of the SW 1/4 Section 11 for irrigation of 185 acres located in the S 1/2 Section 11; all in T95N-R50W. This site is located approximately three miles southeast of Beresford SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No.8929-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the

Acting Chief Engineer. The petition form is available online at <http://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501" or call (605)773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 5, 2025.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605)773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 5, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of \$37.82 and may be viewed free of charge at www.sdpublicnotices.com.

(B0424-7)

AFFIDAVIT OF PUBLICATION

Michael Olsen
Olsen Family Farm
47315 298Th ST
Beresford SD 57004-6729

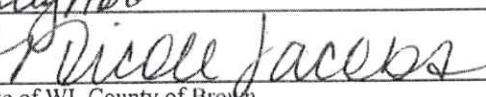
STATE OF WISCONSIN, COUNTY OF BROWN

The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

04/24/2025

and that the fees charged are legal.
Sworn to and subscribed before on 04/24/2025



Legal Clerk


Notary, State of WI, County of Brown
8-21-26

RECEIVED
MAY 01 2025
Water Rights
Program

My commission expires

Publication Cost:	\$55.53	
Tax Amount:	\$0.00	
Payment Cost:	\$55.53	
Order No:	11239143	# of Copies:
Customer No:	1526865	1
PO #:	NO. 8929-3	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8929-3
to Appropriate Water

Notice is given that Olsen Family Farm, 47315 298th Street, Beresford SD 57004, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 150 feet deep) located near the center of the SW 1/4 Section 11 for irrigation of 185 acres located in the S 1/2 Section 11; all in T95N-R50W. This site is located approximately three miles southeast of Beresford SD. Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8929-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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<https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 5, 2025.

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RECEIVED

MAY 01 2025

Water Rights
Program

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Published April 24, 2025, at the total approximate cost of \$55.53 and may be viewed free of charge at www.sdpublishnotice.com

RECEIVED

MAY 01 2025

**Water Rights
Program**

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, April 17, 2025 11:15 AM
To: molsen@sonifi.com
Subject: 8929-3 Olsen Family Farm - Public Notice
Attachments: 8929-3 Rec.pdf; 8929-3 Ltr.pdf; 8929-3 PubNotice.pdf; ArgusLeader Info.pdf

Good morning,

Attached is a copy of the report, chief engineer's recommendation, and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



May 15, 2025

REFUND REQUEST FORM

PAYEE:

Olesen Family Farm
C/O Michael Olsen
47315 298th Street
Beresford SD 57004

FROM: DANR-Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund for overpayment of Application fee.

AMOUNT: \$200.00

FUNDING SOURCE: WR Fees

GENERAL:

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

 5/15/25

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

MAY 15 2025

Olsen Family Farm
c/o Michael Olsen
47315 298th Street
Beresford SD 57004

Dear Mr. Olsen:

Enclosed is Water Permit No. 8929-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application/license filing fee of \$1,350.00 was submitted with the application. The correct fee for this permit is \$1,150.00. Therefore, \$200.00 will be refunded to you. The refund check should be received within the next couple of weeks.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Mark Mayer, PE
Director of Office of Water

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8929-3

Name of Applicant: Olsen Family Farm, Michael Olsen

Date of Posting: 4/22/2025

Date of Removal: 5/15/2025



Ron Duvall, Engineer III

5/15/2025

Date

Subscribed and sworn to before me, a notary public, this 15th day of May, 2025.



Notary Public - South Dakota
My commission expires: **Rachel Rodriguez
My Commission Expires
May 16, 2029**



(SEAL)